

April 18, 2019

Dear Judge Gardephe,

I would have bet my life that when I returned home from prison in 2015, I would never see the inside of a courtroom or a prison even again. Little did I know that my mindless actions, that I took upon my release, would pave the way to not only more prison time, but a statutory maximum probation violation of 2 years of incarceration in a maximum security prison.

I cannot find words to express the disgust and shame that I feel for what I have done to my family and my innocent victims. For one, I destroyed my mother's life and her expectations of me as her only child. At age 82, instead of enjoying her retirement, she has spent the last 2 years coming to the MDC for one hour visits. My mom is elderly and in poor health, Nevertheless, she never missed a visit, nor a court date of mine. At this point of her life, living alone after my father's passing, I should be the one taking care of her not the other way around.

My girlfriend, who at such a young age was left widowed under circumstance not under her control, announced her pregnancy to me on a Wednesday night. The following morning, not even 24 hours later, I announced my arrest. She has been alone struggling and patiently waiting for me to start our new family for almost 2 years. She's had no help from anyone. I have a very tiny family who all depend on me greatly. I have no siblings, and her family live overseas. In January of last year, she went into labor at home. Being alone, she was forced to take an uber to the hospital to deliver our baby boy. That was extremely dangerous for a pregnant woman to do alone. She does not deserve any of this. And it is all my fault.

My incarceration is hardest felt by my 10 year old son. After my marriage ended in divorce, over my abnormal behavior on my first case, my ex-wife moved out and took him with her. Upon release he finally got some semblance of life. I picked him up from school nearly every day and we did homework together. I took him on ski trips, biking excursions camping and planned every weekend with him. All of this was shattered when I was arrested. I have no one to blame but myself. My ex wife does not allow him to come to the MDC. Sadly, I have not seen him for almost 2 years.

Your honor, most people learn from their first mistake. For me it has taken two. **There will never be a third.** I refuse to spend my life as a recidivist. I know you have heard all of this before and you are thinking right now "if I only had a nickel for each time a defendant said this". I finally understand the immense damage that I caused to myself and to others. I am my own worst enemy. I put myself in danger and in jeopardy. I was born with all of the gifts, all of the advantages, I could have had it all. Instead, I destroyed everything by lying to the probation department and committing senseless acts of fraud in my online business.

All I had to do was tell probation the truth about what I was doing for work. These officers and I had a very good rapport. In my opinion, they would have approved me running my business. I was a fool to

have omitted this information from the very first day I walked out of prison. Similarly, all I had to do was tell my customers the truth about the shipping label. Had I just honored their cancellation requests, I would not have committed fraud. I can't take any of this back. I can't dwell on the "what if's" and the past. I must focus on my future and my commitment to change.

For months now, I have been sitting in prison thinking "Why?". Why did I lie to these customers asking they pay me for something that cost me nothing. Clearly it was not for monetary reasons. I gained \$700 over the course of 2 years while my company grossed millions in legal conduct. So what was my motive? When I came home in 2015 and found Opticsfast in shambles instead of blaming myself for having gone to prison in the first place, I felt that I needed to blame someone else. That is what irrational people do. I turned my anger against innocent customers who simply wanted to cancel their repair orders because they read bad reviews of the company online.

I truly feel, if I had the help that I needed with my anger problems, while on supervised release, I would have been able to control these feelings and make wiser decisions. I knew that I had a bad temper, I knew it was a problem. I failed myself by not getting help for this problem. The things I do sometimes, when looking from the outside in, are totally mind boggling.

What comes to mind right away is the "thanksgiving day text" I sent to my co-defendant Mike Voller's sister. At 5pm on Thanksgiving Day, we had just got released from our cells after lockdown. I started thinking about him being home with his family right and enjoying his family diner. I got so angry that I found out he stole from me, I lost control. I was so positive that justice would be served and he will go to prison for his actions, I ran to the computer with tunnel vision. Since I contacted our arresting officer, his pretrial services officer, 4 prosecutors, the NYPD and I made a speech to you at the Fatico Hearing, I felt the need to let his family know that he will be in prison soon. I listed all the terrible things that I endured from arrest to the day to day struggles of being in prison. I wanted him to see what he will face for what he did to me.

Looking back at this terrible decision, there was no reason to have mocked his family and to have written that text. I should have not have been pre-occupied with those actions and I should only have been focused on myself. When I crafted that text, I remember I re-read it multiple times. I re-read it because I wanted to make certain that it was non-threatening. I actually thought when I sent it that it was Ok. I was oblivious to its damaging consequences and how it would be perceived by others.

Something is just not right inside my brain. Everyone who read thought I was wrong when they found out I sent it.

I was the only one that thought it was ok to send it. If everyone thought that I'm wrong, and I was the only one that thought I was right, that is the definition of sick. I must be sick. The sending of that text message was NOT in retaliation of him becoming a cooperating witness. If you recall at my fatico hearing I stated that "I just want to make it clear that I have no anger or animosity towards Mr. Voller for cooperating with the government in this case." (5/31/19 Fatico 295:23-25).

I stand by that today. My actions were based solely as a direct result of his theft of my hard- earned money.

Your Honor, even though I am not a dangerous person, and I would have been eligible to do my time in a prison camp, I have been incarcerated at a maximum security institution, in the same 8 x 12 cell, now for almost 2 years. I have experienced over 50 lockdowns due to fights, stabbings and other issues. At the MDC there is no segregation. Everyone is housed together. I am surrounded by lifers, murderers, and gang members and terrorists. On a daily basis, I am around people who have nothing to lose. At any moment my life can be at danger. This is a very scary place. I should have been permitted to do this time in a minimum security institution.

I have not felt direct sunlight in almost 2 years. The closest to the outside, is a 50 foot space with a 5 foot gate that lets some fresh air in. In late January of this year, during the coldest days of winter, the MDC was without electricity, heat or running water for 9 straight days. I was shivering in my locked cell all day and all night. When the building is on a "lockdown", they do not unlock the cells and we are in complete isolation. I was given a total of 2 supervised showers with cold running water. The physical and psychological scars left due to my exposure to this environment are irreparable. I will remember and live with this forever.

Your Honor, **I take full responsibility for every single last one of my actions.** You made a few statements at my February bail hearing that were very touching to me. You said that I "am a highly intelligent person who I believe fully capable of becoming a productive member of society". You also said that I "posses technical skills that would permit you to make a very fine living doing lawful and socially productive things". I would like to prove this to you.

The government has painted me as being unchangeable. I am NOT unchangeable. A person changes when they decide that they want to. There is nothing more I want right now, then to rid myself of my anger problems. My anger has not only gotten me in trouble criminally, it has also effected almost every one of my closest relationships. To make sure of this and to guarantee myself success, I want to inform this court that I am fully committed to enrolling in an anger rehabilitation therapy program and will follow all guidance by these professionals until they are completely satisfied of my recovery and progress.

Your Honor, I humbly ask for your leniency to allow me to go home to my family. My birthday is the day after my sentencing date. How great of a present it would be to me and my family to share it together after all of these terrible years. I want to start my life over again for the last and final time. I want nothing more than to put all of this behind me and be a law- abiding member of society and follow all directives by my supervising probation officers. **I will NEVER re-offend again.**

Vitaly Borker